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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *JMB* DEPUTY

Lantz Arnell
1516 Glorietta Blvd.
Coronado, CA 92118
(619) 435-4064

NUNC PRO TUNC

JUL 28 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LANTZ E. ARNELL

Plaintiff

v.

JACK LIEB, ESQ., AND ASSOC.,

JUDGE W. MCADAM, ET AL.

Defendants

Case No. 08-cv-00441(LAB)

NOTICE of Motion for
Reconsideration of Denial of
Plaintiff's request for Court Order
For Surveillance Video.

Oral Argument Requested

Date: Sept. 8, 2008

Time: 10:00 AM

Court Rm. B (1st floor)

Judge: Honorable Ruben B.

Brooks

To CHERYL BRIERTON, attorney for Judge William McAdam.

PLEASE TAKE NOTICE that pursuant to FRCP Rule 60b., plaintiff will
move this court to reconsider the recent denial of a court order for bank
surveillance video because of a manifest showing of a failure to consider the

1 material facts.

2 I. The ruling states that the surveillance video is not relevant to the plaintiff's
3 claim.

4 A. Plaintiff's first Cause of Action is that Jack Lieb and others are engaged in
5 a pattern of racketeering which includes identity theft. (P.3, section 5 d of
6 the complaint). The fourth cause of action is fraud, (p. 8, 1st paragraph A)
7 where we claim that Lieb paid at least one person to pretend to be someone
8 else.

9 1. The surveillance video requested by plaintiff will provide independent
10 evidence showing the following:

11 a. Identity theft and fraudulent behavior.

12 b. The identity theft and fraud referred to in the complaint is ongoing.

13 c. This pattern of criminal activity is associated with the individual
14 named in the complaint.

15 2. The court order for the evidence requested is entirely consistent with
16 FRCP 26 (b) (1).

17
18 II. The ruling states that it would be improper for plaintiff to give the evidence to
19 the FBI.

20 A. The Congressional Intent of the Racketeering codes which give citizens the
21 right of private action is stated in the Congressional Statement of Findings
22 and Purpose: "It is the purpose of the Act to seek the eradication of
23 organized crime in the United States by strengthening the legal tools in the
24 evidence gathering process..."

25 B. If the court believes the argument in A above is not persuasive, plaintiff will
26 not give the evidence to the FBI.